

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOHN R. KILPATRICK,**

**Defendant.**

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**8:06CR65**

**ORDER**

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Petition) regarding defendant John R. Kilpatrick (Kilpatrick) (Filing No. 22). On March 3, 2006, Kilpatrick was ordered released upon conditions pending further proceedings (Filing No. 9). Kilpatrick was to reside in Omaha, Nebraska, and to comply with various conditions of pretrial release. On July 26, 2006, Pretrial Services Officer Troy D. Greve submitted a Petition alleging Kilpatrick had violated the conditions of his release by using a controlled substance and failing to report to Pretrial Services as directed. A warrant for Kilpatrick's arrest was issued.

Kilpatrick appeared before the undersigned magistrate judge on October 5, 2006. He was represented by Anthony S. Troia. The United States was represented by Assistant U.S. Attorney Thomas J. Kangior. After being advised of the nature of the allegations, his rights, and the consequences if the allegations were found to be true, Kilpatrick admitted the allegations of the Petition. The court finds the allegations of the petition are generally true and Kilpatrick has violated the conditions of her release.

The court took judicial notice of the Pretrial Services Violation Report. After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release should be revoked.

**IT IS ORDERED:**

1. The Petition For Action on Conditions of Pretrial Release (Filing No. 22) is granted.
2. The March 3, 2006, Order Setting Conditions of Release of John R. Kilpatrick (Filing No. 9) is hereby revoked.

3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

**IT IS FURTHER ORDERED:**

Trial of this matter is scheduled before Senior Judge Lyle E. Strom and a jury **at 8:30 a.m. on November 6, 2006**, in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

DATED this 5th day of October, 2006.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge